

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 13, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Richard Eugene Yallups Jr

(Name of Plaintiff)

1:20-cv-03066-SMJ

vs.

CIVIL RIGHTS COMPLAINT
BY A PRISONER UNDER 42
U.S.C. § 1983

Janelle Riddle (Yakima County)

Renee S. Townsley (State

of Washington)

(Names of ALL Defendants)

I. Previous Lawsuits

A. Have you brought any other lawsuits in any federal court in the United States while a prisoner? ☒ YES ☐ NO

B. If your answer to A is yes, how many? 1 Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff:

Richard E. Yallups Jr

Defendants:

Renee S. Townsley

2. Court (give name of District): Eastern District of Washington
3. Docket Number: 2:20-cv-00163 Yallup v. Townsley
4. Name of judge to whom case was assigned: N/A
5. Disposition (For example: Was the case dismissed as frivolous or for failure to state a claim? Was it appealed? Is it still pending?):
still pending
6. Approximate date of filing lawsuit: 04-27-20
7. Approximate date of disposition: —

II. Place of Present Confinement: Clallam Bay Corrections Center

A. Is there a prisoner grievance procedure available at this institution? ☒ YES ☐ NO

B. Have you filed any grievances concerning the facts relating to this complaint?

☐ YES ☒ NO

If your answer is NO, explain why not: none exists at CBCC

C. Is the grievance process completed? ☐ YES ☒ NO

D. Have you sought other informal or formal relief from the proper administrative officials regarding the acts alleged in this complaint? ☒ YES ☐ NO

If your answer is NO, explain why not: —

III. Parties to this Complaint

A. Name of Plaintiff: Richard Eugene Yallup Jr Inmate No.: 313822

Address: 1830 Eagle Crest Way, Clallam Bay, Wa.

(In Item B below, place the full name of the defendant, his/her official position, and his/her place of employment. Use Item C for the names, positions and places of employment of any additional defendants. Attach additional sheets if necessary.)

B. Defendant: Janelle Riddle Official Position: Clerk

Place of Employment: Yakima County Clerk's office

C. Additional Defendants (NOTE: These Defendants must be listed in the caption of the Complaint.): Renee S. Townsley

IV Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates; places and other persons involved. Do not give any legal arguments or cite any cases or statutes. If you allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.)

1.1, Due Process of the 14th Amendment of the U.S.C.

1.2, Yakima County Clerk Janelle Riddle initiated a clever and deceitful plan with Court of Appeals Division III clerk Renee S. Townsley, to have substantial evidence concealed from appellate review on case no. 340767 consolidated with 349578.

1.3, 04-24-17, the Court of Appeals grants a motion to extend time to file (Appendix #A section Appx #4 page 3), accepting records (evidence, Appendix #A section Appx #6 page 4 to 21) for appellate review on direct appeal.

1.4, 04-25-17, Yakima County Clerks receive letters (Appendix #A section Appx #1 page 2 and 3) and two payments (Appendix #A section Appx #1 page 5) totaling \$265⁰⁰, letters gave instructions on

where to mail records (evidence on appeal), C.O.A. Div. III clerk Renee S. Townsley is notified by the county clerk's of letters and payments (Appendix #A section App'x #1 page 1).
1.5, 05-03-17, Yakima County Clerks letter cites payments received (04-25-17), and shows the deviation from the instructions received with payments by altering the mailing address for records, From: Court of Appeals, Div. III, Case No. 349578, 500 N. Cedar St., Spokane, Wa. 99201-1905, (see Attachment IV)

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

(Relief sought maybe multiple, the court should recognize the distinctions between law and equity in affording relief for the invasion of rights and committing of a wrong)
#1) 15 to 25 thousand dollars (or apply what the (see Attachment V)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 13th day of May, 2020.

Richard G. Gully Jr
(Signature of Plaintiff)

(Attachment, IV)

to: 1830 Eagle Crest Way, Clallam Bay, Wn.
98326 (Appendix #A section Appx #2 page 1
~~paragraph 2~~ second paragraph), and notifies
Renee S. Townsley of the deviation (Appendix #A
section Appx #2 page 2), initiating the artifice
to have evidence concealed on appeal.

1.6, 05-04-17, Renee S. Townsley creates this
letter (Appendix #A section Appx #3) "after" the
Yakima County Clerk gave notice to the artifice
(Appendix #A section Appx #1 and Appx #2).

1.7, 05-24-17 check case information (Appendix
#A section Appx #4 page 3 (Appx #7 page 1)) was
derived from the county clerk's deviation, meaning,
Townsley understood why the county clerk
deviated from the mailing address received
04-25-17, and altered the address 05-03-17, and
Townsley was notified both times by the county
clerk. Townsley waited for evidence (Appendix #A
section Appx #7) to be received, then Filed,
to conceal evidence from ~~appellate~~ appellate
review and deceive the only person reliant
on the evidence Townsley concealed.

1.8, 05-24-17 reply to response to prp (Appendix #A page 3), evidence received (Appendix #A section App'x #6 page 4 to 21) Filed with letter (Appendix #A section App'x #6 page 3 (the rest of letter is with plaintiff, only the first page was provided because of the filing stamp by the Court of Appeals and the date of stamp)), everything was filed until 05-22-19 (Appendix #4 section App'x #5 page 3) when Townsley provided a summary showing "05-24-17" was removed.

1.9, 11-04-19 plaintiff signs for concealed evidence removed 05-22-19 along with the letter from Townsley (Appendix #A section App'x #6) citing why the records (evidence on appeal) was allegedly rejected (concealed). Townsley was notified of letter's with instructions and payments on 04-25-17 by the Yakima County Clerk's ~~party~~ (paragraph 1.4), then Townsley was once again notified 05-03-17 (paragraph 1.5) and this time the Yakima County Clerk's meant ^{to} show Townsley of the deviation from the mailing address given to initiate the artifice in having evidence concealed.

on appeal, after Townsley was given notice of the deviation by the Yakima County Clerk's that evidence (records) accepted and expected for appellate review, was redirected to Clallam Bay, Washington, from Spokane, Washington (paragraph 1.4 and 1.5), Townsley created the OS-04-17 C.O.A. letter (paragraph 1.6) after notice of ~~the~~ the deviation, and then waited for evidence to be received, to conceal evidence (paragraph 1.7 and 1.8) (Appendix #A section Appix #6 page 3 to 21). 1.10, Appendix #A section Appix #7 page 1, establishes Townsley waited for evidence, to conceal evidence varifying multiple issues explained in Appendix #A section Appix #8 page 3 to 9, May '15 to Jan '16, issues explained here and not known in 2017, #1) Mar '15 Russell concealed evidence, May '15 Johnson concealed evidence (misrepresentation known to David Elofson, L. Joshua Camp and Randy Cahn), #2) Judge Micheal McCarthy's involvement with the wrongful ~~at~~ acts, the rest will have been proven if evidence wasn't concealed by Riddle and Townsley.

1.11, 03-24-2020, Yakima County Prosecutor's Office, Corporate Counsel Division opinion and decision (Appendix #A section Appx #9) is wrong. Cindy Erwin denies claim even in light of physical evidence submitted. FTR CD with audio records of court hearings from 05-29-15 to 12-04-15 (10-23-15 incomplete, 10-30-15 missing) verified multiple issues of concern, showing why the Yakima County Clerk's initiated artifice to have substantial evidence accepted and expected for appellate review, concealed on appeal. Statements in court, are what is relevant (Appendix #A section Appx #8 page 3 to 9), compared with ~~what~~ Appendix #A section Appx #6 page 5 to 21.

1.12, The original FTR CD accepted and expected for appellate review in May 2017, concealed until 11-04-19 (Appendix #A section Appx #6), FTR CD (Appendix #A section Appx #6 page 4) is in the possession of the Department of Enterprise Services Office of Risk Management, Tort Claim # 04870025, in Olympia, Washington (Appendix # 10) (plaintiff couldn't afford the return of disc).

1.13, Causation of evidence being concealed, Appendix #A section Appix #11 page 8, 9, and 10, evidence was concealed to protect wrongful acts of government and public officials, misconduct and violations that will have been proven, and changed the outcome seen today.

1.14, 09-09-19 C.O.A. letter (Appendix #A section Appix #12 second paragraph and bottom names) show Townsley continues to protect the wrongful acts at the appellate level.

1.15, 04-09-20 (Appendix #B) Yakima County Prosecutor's Office/Corporate Counsel Division Anderson and Erwin lie about evidence submitted, a FTR CD was submitted in Yakima County Claim No. 19-2020 filed with prosecution (not Commissioner's). Explanations in Appendix #A section Appix #8 page 3 to 9, cite to specific records and specific points in time in court, if prosecution reviewed the FTR CD, everything explained will have been verified, but Anderson had Erwin lie about evidence submitted and denied the claim in his 04-09-20 letter (Appendix #B). Additional

response's sent to prosecution about claim on 04-01-20, 04-05-20, 04-09-20, 04-13-20, and 04-15-20, and to Yakima County Board of Commissioners on 04-01-20, 04-15-20, and 04-19-20, in response to prosecutions claims. 1.16, Appendix #A section Appx #8 page 3 to 9, May '15 to Jan. '16 is what would have been proven in 2017 if Riddle didn't have evidence concealed on appeal.

1.17, Plaintiff could not afford another FTR CD or transcripts of relevant hearings to show why evidence was concealed on appeal, but as to why, is explained in detail in Appendix # A section Appx #8 page 3 to 9, citing physical records and points on record.

1.18, Yakima County Clerk's notified the Court of Appeals clerk 04-25-17 (paragraph 1.4) specifically of the letter's with instructions on where evidence was to be sent to, then 05-03-17 (paragraph 1.5) the Yakima County Clerks shows the Court of Appeals clerk the mailing address has been altered initiating the artifice to conceal evidence, then 05-04-17 (paragraph 1.6) the court of appeals

clerk understood the ~~deviation~~ intent of deviation by the county clerk and made the ~~C.O.A.~~ OS-04-17 C.O.A. letter after being notified of deviation from instructions given to the Yakima County Clerks received "04-25-17" to which Townsley was also sent a copy and notified of (Appendix #A section Appix 1 page 1), then Townsley waited for evidence to be received (Appendix #A section Appix #7 page 1) and then filed (Appendix #A section Appix #4 page 3 and Appix #6 page 3 to 21) to conceal evidence on Case No. 340767 co. / w Case No. 349578, for appellate review on direct appeal.

1.19, A deceitful custom to conceal evidence on appeal, because Renee S. Townsley understood the intent & purpose of the deviation from the mailing address given to the Yakima County Clerks, ~~by the Yakima County Clerks.~~ deviation by the Yakima County Clerks.

1.20, Considering Townsley understood the intent & purpose of the deviation by the Yakima County Clerk's, on its face, appears to be a custom between the Yakima County Clerk's and

the Court of Appeals Division III clerk that needs to be stopped.

1.21, Harmless Error or Mistake do not exist here, the clerk's acted with a specific intent and purpose to conceal evidence, to conceal the fact of evidence being concealed, to willfully and knowing cause inflictions to and of plaintiff. The clerk's spent years concealing the fact of evidence being

~~concealing~~ concealed until 11-04-19 when the artifice became apparent (disclosed) (discovered).

I mean look, Townsley made it a point to make the C.O.A. Div. III case record out to be deceptive and show evidence concealed, was filed. This is two separate government bodies acting in coordination to have substantial evidence concealed and made an obvious effort to conceal the fact of evidence being concealed (Appendix #A section Appx #4, Appx #5, Appx #6, Appx #7, and Appx #12) (statute of limitations should run from the day of discovery) (11-04-19) (or from the day of removal, 05-22-19).

1.22, Discovery of artifice disclosed 11-04-19 when concealed evidence was returned with

Townsley's excuse in concealing evidence. Use of deception in the C.O.A. case record by Townsley, prevented discovery. Use of deception by the Yakima County Clerks by altering the mailing address for evidence concealed, to initiate and have evidence concealed, to conceal intent of alteration from plaintiff and to which Townsley understood, which should be problematic / concerning. "Deviation", was the message to conceal evidence on appeal.

1.23, Injury - incarcerated on an unlawful conviction upheld by wrongful means.

Mental and Emotional distress, contemplating suicide and hurting one's self because plaintiff is incarcerated on an unlawful conviction and the plaintiff can't do anything about it, because of the interference by the clerk's of both court's concealing and doctoring evidence and records to conceal and protect wrongful acts explained in Appendix #A section Appix #8.

Damage - plaintiff's case and argument, destroyed by the clerk's conduct with records

and evidence.

Appellate Proceedings.

Loss - liberty, rights, and dignity.

1.24, Use of deceit to initiate a deceptive process in having evidence concealed and concealing the fact of evidence being concealed, on appeal, in violation of the ~~5th~~ 6th and 14th

Amendments of the U.S.C., by Janelle

Riddle and ~~Renee~~ Renee S. Townsley, in the name of Yakima County and the State of Washington.

1.25, As the artifice was concealed by Renee S. Townsley until 11-04-19 when the artifice is disclosed and discovered, the statute of limitations should be from the date of discovery, because Riddle and Townsley ~~are~~ "actively moved" to conceal the fact of concealing evidence, and concealing evidence, for years.

1.26, The invasion of rights and committing of a wrong by Janelle Riddle and Renee S. Townsley can't be endorsed and needs to be stopped and righted.

2.1, Equal Protections under the 14th Amendment of the U.S.C.

2.2, Yakima County's Janelle Riddle and the State of Washington's Renee S. Townsley had substantial evidence favoring plaintiff, and was accepted and expected for appellate review on direct appeal, concealed from court.

2.3, Equal Protections of the Law, is supposed to prevent such conduct, ^{that is} prejudicial to the administration of justice, and to ~~give~~ ^{deprive} a litigant "a fair" process.

2.4, Riddle and Townsley's conduct explained in count 1, appears to be frequent and a custom.

2.5, Injury, damage, and loss, explained in count 1.

3.1, Right to Appeal under the 6th and 14th of the U.S.C.

3.2, The Court of Appeals Division III granted an extension of time to file in Case No. 340767 consolidated with Case No. 349578 on direct appeal, accepting additional evidence for appellate review, on direct appeal.

3.3, Janell Riddle (2017) initiated a scheme to have evidence concealed on appellate review (explained in Count 1).

3.4, Injury, damage, and loss explained in Count 1.

of such actions by Janelle Riddle and Renee S. Townsley, ^{that} is nothing less of malicious and deceitful.

4.5, Washington code Chapter 4.96, holding Riddle liable, prohibits lawsuit from being filed within 60 days from the date claim was filed (03-13-20, Appendix #A section App'x #9).

4.6, Townsley's conduct is derived from Riddle's deceitful artifice Townsley understood, and continues to prevent the ~~malicious~~ malicious conduct, from being addressed and remedied (Appendix #A section App'x #12), to uphold the wanted outcome of proceedings obtained, by and through wrongful means, spoliation.

4.7, Damage, Injury, and loss, explained in Count 1.

4.1, Right to a 'complete record' on appeal under the 6th and 14th Amendments of the U.S.C.

4.2, Riddle and Townsley prevented a 'complete record' in the first appeal, to prevent plaintiff's assertions from being addressed and remedied, to counter assertions of plaintiff and protect wrongful and deceitful acts of government and public officials, by concealing the only evidence that verifies assertions.

4.3, Townsley has actively moved to protect the wrongful acts, again (Appendix #A section App'x #12 second paragraph and names on the bottom of page who were given notice).

4.4, Any actions against wrongful acts that will be verified by records (evidence on appeal) cited in Appendix #A section App'x #8 and App'x #6, is countered by the clerks, to conceal and ~~pro~~ protect such actions that deprive rights and violate rule and law, this lawsuit is to cease such harmful conduct ~~prejudicial to~~ that is prejudicial to the administration of justice, and to obtain relief for the ~~the~~ intent and purpose

(Attachment, V).

court's determine as just) a day, from: November 4th 2019, when the artifice of Janelle Riddle (Yakima County) ~~to have subst~~ in having substantial evidence concealed, was disclosed by Renee S. Townsley (state of Washington), to: the day wrongful acts (Appendix #A section Appx #8) that were concealed and protected by Riddle and Townsley, are addressed and remedied, to compel the government body to right the wrongs, immediately.

#2) 10 to 15 million dollars (or apply what the court's determines as just for inflictions).

#3) Joinder/Consolidate lawsuit, relief sought, and information in this lawsuit, with:

2:20-cv-00163 SMJ Yallup v. Townsley, since both lawsuits are from the same information and evidence, and for economic purposes.

#4) Reverse mandate (case no. 340767 co./w. case no. 349578) and conviction (case no.

~~13-0~~ 13-1-01530-2), and dismiss with prejudice (or apply what the court deems appropriate and just).

#5) (Moot, if #1, #2, ~~#3~~, and #4 of relief sought is met) Order the lower courts to cease having wrongful acts concealed and protected, and order them to right the wrongs and avoid lying about evidence like Dan Anderson and Cindy Erwin.

#6) (Moot, if #1, #2, ~~#3~~, and #4 of relief sought is met) Remove lawsuits to Yakima County Superior Court with leave to return to District Court, if removed, remove with orders to the lower court, to appoint counsel to obtain all relevant evidence, prepare for, present, and argue case/lawsuit at trial by jury, and if a settlement is agreed upon by all parties, order's for trial will be considered/deemed suspended.

#7) Subpoena FTR CD and Transcripts from Yakima County Prosecutor's Office, Yakima County Claim # 19-2020 (FTR CD incomplete, missing 10-30-15 hearing, and 10-23-15 hearing is missing statements after 10:08:40, and 10-09-15 hearing at 10:20:56 is audible). (to show what was being concealed and protected).

#8) Order the proper relief for concealing evidence the actor's knew would verify assertions of plaintiff.

#9) Order the state and county to cease concealing and doctoring evidence and records to conceal and protect conduct violative of rule, law, and rights, and to address and remedy the wrongful acts committed.

#10) The start date of Riddle and Townsley's harmful conduct should be asserted as the day of disclosure and discovery, November 4th 2019, because the officials actively moved to conceal the fact of evidence being concealed, for years, or from May 22nd 2019 when Townsley removed evidence from record.

(Note: FTR CD just received this week at Clallam Bay Corrections Center, on CD, audio records of court hearings)

DECLARATION OF SERVICE BY MAIL

CR 3.1

I, Richard Eugene Yallups Jr, declare that, on
this 13th day of May, 20 20 I deposited the forgoing documents:

\$1983, In Forma Pauperis and Appendix # A
and Appendix # B

or a copy thereof, in the internal legal mail system of

Clallam Bay Corrections Center

And made arrangements for postage, addressed to: (name & address of court or other party.)

sent electronically to:
United States District Court
Eastern District of Washington

I declare under penalty of perjury under the laws of the State of Washington that the
foregoing is true and correct.

Dated at Clallam Bay, Wa. on 05-13-20
(City & State.) (Date)

Richard E. Yallups Jr
Signature

Richard E. Yallups Jr
Type / Print Name